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LEONGUERRERO_B.gar4

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Attorney's for United States of America

FILED
DISTRICT COURT OF GUAM
MAY - 7 2002
MARY L. M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRIAN S. LEON GUERRERO,

Defendant,

NIPPON RENT-A-CAR,

Garnishee.

CIVIL CASE NO. 02-00005

NOTICE OF POST-JUDGMENT
CLERK'S GARNISHMENT;
INSTRUCTIONS TO
DEFENDANT-JUDGMENT DEBTOR

NOTICE OF POST-JUDGMENT CLERK'S GARNISHMENT:
INSTRUCTIONS TO DEFENDANT-JUDGMENT DEBTOR

You are hereby notified that your salary at NIPPON RENT-A-CAR is being taken by the United States of America which has a judgment in Civil Case No. 02-00005, District of Guam, in the principal amount of \$1,703.54, plus accrued interest to December 6, 2001, in the sum of \$36.12 and interest thereafter to the date of judgment at the rate of 3.812 percent per annum, and interest from the date of judgment at the legal rate until paid in full, together with advances, costs and expenses, including \$150.00 in filing fees under 28 U.S.C. § 2412(a)(2) and 28 U.S.C. § 1914(a), fees; together with any additional costs as this Court deems just and proper.

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1 There is a balance of \$1,914.20 as of April 30, 2002. (\$1,759.58 principal + \$4.62 int. to
2 04/30/02 + \$150.00 Costs).

3 In addition, you are hereby notified that there are exemptions under the law which may
4 protect some of the property from being taken by the Government if you, BRIAN S.
5 LEON GUERRERO can show that the exemptions apply. Attached is a summary of the major
6 exemptions which apply in most situations in the Territory of Guam.

7 If you are BRIAN S. LEON GUERRERO you have a right to ask the court to return your
8 property to you if you think you do not owe the money to the Government that it claims you do,
9 or if you think the property the Government is taking qualifies under one of the above
10 exemptions.

11 If you want a hearing, you must notify the court within 20 days after receipt of the notice.
12 Your request must be in writing.

13 If you wish, you may use the attached request for hearing. You must either mail it or
14 deliver it in person to the Clerk of the United States District Court of Guam, 4th Floor,
15 U.S. Courthouse, 520 West Soledad Avenue, Hagåtña, Guam 96910. You must also send a copy
16 of your request to the United States Attorney's Office, Sirena Plaza, Suite 500, 108 Hernan
17 Cortez Avenue, Hagåtña, Guam 96910-5059, so the Government will know you want a hearing.

18 The hearing will take place within five (5) days after the Clerk receives your request, if
19 you ask for it to take place that quickly, or as soon after that as possible.

20 At the hearing you may explain to the judge why you think you do not owe the money to
21 the Government. If you do not request a hearing within 20 days of receiving this notice, your
22 property may be sold at public auction and the proceeds of the sale will be applied to the debt you
23 owe the Government.

24 //

25 //

26 //

27 //

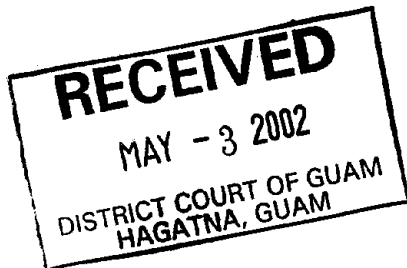
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1 If you think you live outside the Federal judicial district in which the court is located, you
2 may request, not later than 20 days after you receive this notice, that this proceeding to take your
3 property be transferred by the court to the Federal judicial district in which you reside. You must
4 make your request in writing, and either mail it or deliver it in person to the Clerk of the Court at
5 the United States District Court of Guam, 4th Floor, U.S. Courthouse, 520 West Soledad Avenue,
6 Hagåtña, Guam 96910. You must also send a copy of your request to the Government at U.S.
7 Attorney's Office, Sirena Plaza, Suite 500, 108 Hernan Cortez Avenue, Hagåtña, Guam
8 96910-5059, so the Government will know you want the proceeding to be transferred.

9 Be sure to keep a copy of this notice for your own records. If you have any questions
10 about your rights or about this procedure, you should contact a lawyer, an office of public legal
11 assistance, or the clerk of the court. The clerk is not permitted to give legal advice, but can refer
12 you to other sources of information.

13
14
15 MARY L.M. MORAN
16 Clerk of Court
17 District Court of Guam

18 By: 
19 **Renee M. Martinez**
20 **Deputy Clerk**



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3
4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE DISTRICT OF GUAM
6

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 BRIAN S. LEON GUERRERO,

11 Defendant,

12 NIPPON RENT-A-CAR,

13 Garnishee.
14

CIVIL CASE NO. 02-00005

REQUEST FOR HEARING

15 REQUEST FOR HEARING
16

17 Pursuant to 28 U.S.C. § 3202, I Request that the Court hold a hearing in this matter and
18 further state that:

19 _____ I do not owe the money to the Government as it says I do.

20 _____ The property that the Government is taking is exempt.
21

22 DATED: _____
23

BRIAN S. LEON GUERRERO

24 Address: _____
25 _____
26

27 Telephone Number: _____
28

CLAIM FOR EXEMPTION FORM
MAJOR EXEMPTIONS UNDER FEDERAL LAW

I claim that the exemption(s) from garnishment which are checked below apply in this case:

- ___ 1. Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
- ___ 2. Veterans benefits (38 U.S.C. § 3101).
- ___ 2a. Members of armed services (10 U.S.C. § 1440, 38 U.S.C. § 562).
- ___ 3. Federal Civil Service Retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
- ___ 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- ___ 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
- ___ 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
- ___ 6a. Seaman's master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 1108-1109(a-c)).

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

- ___ 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 231(m), 352(e)).
- ___ 7. **Bankruptcy Code** (Title 11, United States Code) which generally provides exemptions for:

- ___ 7a. \$17,425.00 in equity in a residence.

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

- ___ 7b. \$2,775.00 in equity in a motor vehicle.

Property Claimed: _____
Fair market Value \$ _____

- ___ 7c. \$1,150.00 in jewelry.

Property Claimed: _____
Fair market Value \$ _____

- ___ 7d. \$9,300.00 in personal property. (However, no single item worth more than \$450.00 can be exempt.)

Property Claimed: _____
Fair market Value \$ _____

- ___ 7e. \$925.00 in property, plus up to \$8,725.00 of any unused amount of the exemption provided in number 7(a) above.

Property Claimed: _____
Fair market Value \$ _____

____ 7f. \$1,750.00 in equity in any implements, professional books, or tools, of the trade of the debtor or the trade of a dependent of the debtor.

Property Claimed: _____
Fair market Value \$ _____

____ 7g. Any unmaturred life insurance contract the debtor owns, other than credit life insurance.

Property Claimed: _____
Fair market Value \$ _____

____ 7h. The aggregate value, up to \$9,300.00, of any accrued dividend or interest under, or loan value of, any unmaturred life insurance contract the debtor owns, but only if the debtor is the insured or the debtor is a dependant of the insured.

Property Claimed: _____
Fair market Value \$ _____

____ 7i. Professional prescribed health aids for the debtor or the debtor's dependants.

Property Claimed: _____
Fair market Value \$ _____

____ 7j. Unemployment compensation benefits, local public assistance benefits, disability benefits, illness benefits; and alimony, support and separate maintenance, to the extent these items are reasonably necessary for your support or the support of you dependants.

Property Claimed: _____
Fair market Value \$ _____

____ 7k. A payment under a stock bonus, pension, profit-sharing, annuity, or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the debtor's support or the support of the debtor's dependants, subject to the limitations set forth at Title 11 United States Code Section 522(d)(10)(E)(i)-(iii).

Property Claimed: _____
Fair market Value \$ _____

____ 7l. The debtor's right to receive, or property that is traceable to,
- an award under a crime victim's reparation law;
- a payment on account of the wrongful death of an individual of whom the debtor was a dependant, but only to the extent of reasonably necessary for the debtor's support or the support of the debtor's dependants;
- a payment under a life insurance contract that the insured an individual's death, but only to the extent reasonably necessary for the debtor's support or the support of the debtor's dependants;
- a payment, not to exceed \$17,425.00, on account of personal bodily injury suffered by the debtor or by an individual of whom the debtor is a dependant; however, payment for paid and suffering or payment to compensate actual pecuniary loss are not exempt under this paragraph;
- a payment in compensation of loss of the debtor's future earnings or the future earnings of an individual of whom the debtor is, or was, a dependant, but only to the extent reasonably necessary for the debtor's support or the support of the debtor's dependants.

Property Claimed: _____
Fair market Value \$ _____

_____ 8. Compensation for war risk hazards (42 U.S.C. § 1717).

NOTE: If you have selected the Bankruptcy Code exemptions (Line 7 above), you may not also claim the exemptions listed below.

MAJOR EXEMPTIONS UNDER THE TERRITORY OF GUAM

NOTE: If you select the exemptions available under territorial law, the law of the territory or state while you have been domiciled for the greater part of the last 180 days governs your rights.

Relevant Territorial law provisions pursuant to § 690 of the Guam Code of Civil Procedure and Guam Public Law No. 17-33 allow the following exemptions:

_____ 9. **Debtor's Homestead**

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

_____ 10. **Personal Property** - Necessary household goods, table and kitchen furniture. Necessary clothing valued at \$50.00 and provision for three months. A fishing boat and net valued at \$50.00. A cow and its calf, two sows and their suckling pigs, fifteen hens and three roosters; and a one month supply of food for each animal. Articles of religious worship valued at \$25.00.

<u>Property Claimed:</u>	<u>Fair Market Value</u>
_____	\$ _____
_____	\$ _____

_____ 11. **Trade/Farming Implements** - Farming utensils valued at \$50.00. A beast of burden (e.g., horse, carabao or ox) with one cart together valued at \$150.00 used in the ordinary course of business; also one month supply of food for such beast and grain or vegetables for planting or sowing within six months valued at \$25.00.

<u>Property Claimed:</u>	<u>Fair Market Value</u>
_____	\$ _____
_____	\$ _____

_____ 12. **Tools of the Trade** = Professional libraries or lawyers, judges, clergyman, doctors and preachers valued at \$250.00. Necessary tools of mechanic/artisan valued at \$25.00

Amount Claimed: \$ _____

_____ 13. **Cemeteries and Burial Funds** - Gravestones

<u>Property Claimed:</u>	<u>Fair Market Value</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____

____ 14. **Wages/Salary** - Necessary earnings of debtor rendered within thirty days next preceding the levy of execution or attachment.

Amount Claimed: \$ _____

____ 15. **Military Equipment** - Arms, uniforms and accouterments for Guam militia.

Property Claimed:

Fair Market Value

\$ _____
\$ _____
\$ _____

____ 16. **Child Support and Separate Maintenance** - Child support money received.

Amount Claimed: \$ _____

____ 17. **Pensions and Retirement Benefits** - Pensions payable by the U. S., Government of Guam, and private retirement plans.

Amount Claimed: \$ _____

The statements made in this claim of entitlement to exemptions and the fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.

Date

Signature of Defendant

Defendant's printed or typed name